



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 25, 2023

TIME: 4:14 PM

WSR 23-04-038

Agency: Washington State Building Code Council

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: To add a new standard in WAC 51-54A-8000 and provide additional guidance on the installation of energy storage systems by adding a new amendment to WAC 51-54A-1201

Citation of rules affected by this order:

New: WAC 51-54A-1201
 Repealed:
 Amended: WAC 51-54A-8000
 Suspended:

Statutory authority for adoption: RCW 19.27.031

Other authority: RCW 19.27.074

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Energy Storage Systems is an industry that is emerging very quickly and there are many associated life and safety hazards to the installation of these systems. The 2018 International Fire Code does not have enough language to address these hazards. This proposal permits the Authority having Jurisdictions to use NFPA 855 as a referenced document, per Section 102.7. The standard will be part of the IFC as a state amendment until the appropriate code sections are updated in future editions.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New ____ Amended ____ Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making:	New ____	Amended ____	Repealed ____
Pilot rule making:	New ____	Amended ____	Repealed ____
Other alternative rule making:	New ____	Amended ____	Repealed ____

Date Adopted: January 20, 2023	Signature: 
Name: Tony Doan	
Title: Council Chair	

NEW SECTION

WAC 51-54A-1201 General. 1201.1 Scope. The provisions of this chapter shall apply to the installation, operation, and maintenance of energy systems used for generating or storing energy. It shall not apply to equipment associated with the generation, control, transformation, transmission, or distribution of energy installations that is under the exclusive control of an electric utility or lawfully designated agency. Energy storage systems regulated by Section 1206 shall comply with this chapter as applicable and NFPA 855.
[]

AMENDATORY SECTION (Amending WSR 19-02-086, filed 1/2/19, effective 7/1/19)

WAC 51-54A-8000 Referenced standards. The following standards are added:

- NFPA 96-07 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations609.3
- NFPA 720-15 Standard for the Installation of Carbon Monoxide (CO) Warning Equipment in Dwelling Units1103.9
- NFPA 130-17 Standard for Fixed Guideway Transit and Passenger Rail Systems3901.1
- NFPA 855-23 Standard for the Installation of Stationary Energy Storage Systems1201.1

[Statutory Authority: RCW 19.27.031, 19.27.074 and chapter 19.27 RCW. WSR 19-02-086, § 51-54A-8000, filed 1/2/19, effective 7/1/19. Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 16-03-055, § 51-54A-8000, filed 1/16/16, effective 7/1/16. Statutory Authority: RCW 19.27A.031, 19.27.074 and chapters 19.27 and 34.05 RCW. WSR 13-04-063, § 51-54A-8000, filed 2/1/13, effective 7/1/13.]